

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 205
Committee Substitute Favorable 3/26/19
Committee Substitute #2 Favorable 4/11/19
PROPOSED COMMITTEE SUBSTITUTE H205-PCS10638-BG-43

Short Title: Veh. Property Dmg./Determining Amt. of Loss.

(Public)

Sponsors:

Referred to:

February 28, 2019

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW GOVERNING THE PROCEDURES FOR DETERMINING
THE AMOUNT OF PROPERTY DAMAGE TO A MOTOR VEHICLE WHEN LIABILITY
FOR COVERAGE FOR THE CLAIM IS NOT IN DISPUTE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-279.21(d1) reads as rewritten:

"(d1) Such motor vehicle liability policy shall provide an alternative method of determining the amount of property damage to a motor vehicle when liability for coverage for the claim is not in dispute. For a claim for property damage to a motor vehicle against an insurer, the policy shall provide that if:

- (1) The claimant and the insurer fail to agree as to the difference in fair market value of the vehicle immediately before the accident and immediately after the accident; and
- (2) The difference in the claimant's and the insurer's estimate of the diminution in fair market value is greater than ~~two thousand dollars (\$2,000) or twenty five percent (25%) of the fair market retail value of the vehicle prior to the accident as determined by the latest edition of the National Automobile Dealers Association Pricing Guide Book or other publications approved by the Commissioner of Insurance, whichever is less, five hundred dollars (\$500.00).~~ then on the written demand of either the claimant or the insurer, each shall select a competent and disinterested appraiser and notify the other of the appraiser selected within 20 days after the demand. The appraisers shall then appraise the ~~loss.~~ loss and exchange appraisals within 35 days after the demand, for review by the opposing appraiser. Any appraiser who refuses to appraise the loss or exchange an appraisal with an opposing appraiser as required pursuant to this subdivision is subject to a civil penalty under G.S. 58-2-70. Should the appraisers agree, they shall put their agreement in writing and shall file the agreement with the insured and the claimant. Should the appraisers fail to agree, they shall then select a competent and disinterested appraiser to serve as an umpire. If the appraisers cannot agree upon an umpire within 15 days, either the claimant or the insurer may request that a magistrate resident in the county where the insured motor vehicle is registered or the county where the accident occurred select the umpire. The appraisers shall then submit their appraisals exchanged pursuant to this subdivision and



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1 differences to the umpire. The umpire then shall prepare a report determining
2 the amount of the loss and shall file the report with the insurer and the
3 claimant. The agreement of the two appraisers or the report of the umpire,
4 when filed with the insurer and the claimant, shall determine the amount of
5 the damages. In preparing the report, the umpire shall not award damages that
6 are higher or lower than the determinations of the appraisers. In no event shall
7 appraisers or the umpire make any determination as to liability for damages
8 or as to whether the policy provides coverage for claims asserted. ~~The~~
9 ~~claimant or the insurer shall have 15 days from the filing of the report to reject~~
10 ~~the report and notify the other party of such rejection. If the report is not~~
11 ~~rejected within 15 days from the filing of the report, the report shall be binding~~
12 ~~upon~~ The agreement of the appraisers or the report of the umpire is binding
13 on both the claimant and the insurer. Each appraiser shall be paid by the party
14 selecting the appraiser, and the expenses of appraisal and umpire shall be paid
15 by the parties equally. For purposes of this section, "appraiser" and "umpire"
16 shall mean a person licensed as a motor vehicle damage appraiser under
17 G.S. 58-33-26 and G.S. 58-33-30 and who as a part of his or her regular
18 employment is in the business of advising relative to the nature and amount
19 of motor vehicle damage and the fair market value of damaged and
20 undamaged motor vehicles."

21 **SECTION 2.** This act becomes effective October 1, 2019, and applies to policies
22 issued, renewed, or amended on or after that date.